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9 BASED PLATE STUDIOS LLC

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

13 ARACELY SOUCEK, et al.,

14 Plaintiffs,

15 v.

16 ROBLOX CORPORATION, SATOZUKI  
LIMITED B.V., STUDS ENTERTAINMENT  
17 LTD., and RBLXWILD ENTERTAINMENT  
LLC,

18 Defendants.

Case No. 3:23-cv-04146-VC

**NOTICE OF MOTION AND MOTION TO  
WITHDRAW AS COUNSEL;  
MEMORANDUM OF POINTS AND  
AUTHORITIES IN SUPPORT THEREOF;  
[PROPOSED] ORDER**

Date: June 26, 2025  
Time: 10:00 AM  
Dept.: Courtroom 4 – 17<sup>th</sup> Floor  
Judge: Hon. Vince Chhabria

Date Filed: August 15, 2023

Trial Date: None Set

22 ROBLOX CORPORATION,

23 Cross-Plaintiff,

24 v.

25 SATOZUKI LIMITED B.V., RBLXWILD  
ENTERTAINMENT LLC, STUDS  
26 ENTERTAINMENT LTD., BASED PLATE  
STUDIOS LLC, and JOHN DOE #1,

27 Cross-Defendants.  
28

**NOTICE OF MOTION AND MOTION**

TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on June 26, 2025, at 10:00 a.m. in Courtroom 4, 17<sup>th</sup> floor, 450 Golden Gate Avenue, San Francisco, California, before the Honorable Vince Chhabria, Keker, Van Nest & Peters LLP (“KVP”) will and hereby does move to withdraw as counsel for Cross-Defendant BASED PLATE STUDIOS LLC.

The motion is made pursuant to Local Rule 11-5(a) and Rules 1.16(a)(4) and 1.16(d) of the California Rules of Professional Conduct. This motion is based upon this Notice, the following Memorandum of Points and Authorities, and the supporting declarations of Cody S. Harris and Aristeidis Stathouloupoulos; the argument of counsel; and such other matters as the Court may consider.

Dated: May 8, 2025

KEKER, VAN NEST & PETERS LLP

By: /s/ Cody S. Harris

STEVEN P. RAGLAND  
CODY S. HARRIS  
JACQUIE P. ANDREANO  
SONJA N. RILEY-SWANBECK

Attorneys for Cross-Defendant  
BASED PLATE STUDIOS LLC

## MEMORANDUM OF POINTS AND AUTHORITIES

Pursuant to Local Civil Rule 11-5 and California Rules of Professional Conduct 1.16(a)(4) and 1.16(d), Keeker, Van Nest & Peters LLP (“KVP”) submits this Memorandum in support of its Motion to Withdraw as Counsel for Cross-Defendant Based Plate Studios LLC (“Based Plate”).

### **I. STATEMENT OF FACTS**

Based Plate retained KVP and its attorneys to represent it in the above-captioned matter on or about December 19, 2024. *See* Decl. of Cody S. Harris (“Harris Decl.”) ¶ 2. On May 6, 2025, Based Plate notified KVP of its intent to discharge the firm as counsel in this matter and confirmed the discharge in writing on May 7, 2025. *Id.* ¶¶ 3, 5. KVP notified all counsel in this action of its discharge on that same day. *Id.* ¶ 6. KVP complied with its obligations under the Civil Local Rules and California Rule of Professional Conduct 1.16(d). *Id.* ¶ 4; Decl. of Aristeidis Stathouloupoulos (“Stathouloupoulos Decl.”) ¶¶ 4–5. To KVP’s knowledge, Based Plate has not retained other representation. Harris Decl. ¶ 8; Stathouloupoulos Decl. ¶ 2.

### **II. ARGUMENT**

Rule 1.16(a) of the California Rules of Professional Conduct provide that counsel “shall withdraw from the representation of a client if . . . the client discharges the lawyer.” A client’s right to discharge their attorney “with or without cause, is absolute” and “compels” the attorney to withdraw as counsel. *Russell v. Maman*, 2020 WL 13534011, at \*2 (N.D. Cal. Mar. 16, 2020). Counsel may then withdraw from a case after obtaining “an order of Court after written notice has been given reasonably in advance to the client and to all other parties who have appeared in the case.” Civ. L.R. 11-5(a). Additionally, “[w]hen withdrawal by an attorney from an action is not accompanied by simultaneous appearance of substitute counsel or agreement of the party to appear *pro se*, leave to withdraw may be subject to the condition that papers may continue to be served on counsel for forwarding purposes, unless and until the client appears by other counsel or *pro se*.” Civ. L.R. 11-5(b).

Based Plate has confirmed its discharge of KVP and its attorneys as counsel in this matter, and its right to do so is “absolute.” *See Russell*, 2020 WL 13534011, at \*2 (quoting *Fracasse v. Brent*, 6 Cal. 3d 784, 790 (1972)). Indeed, Based Plate “cannot be forced to proceed through the

1 case with counsel [it] wants to [discharge].” *Id.*

2 Further, KVP has complied with the obligations set forth in California Rule of  
3 Professional Responsibility 1.16(d), which requires withdrawing attorneys to “take reasonable  
4 steps to avoid reasonably foreseeable prejudice” to the client’s rights, and to provide “sufficient  
5 notice to the permit the client to retain other counsel.” Harris Decl. ¶ 4; Stathoulopoulos Decl.  
6 ¶¶ 4–5. Based Plate knowingly and willingly consents to KVP’s withdrawal as counsel. *See*  
7 Stathoulopoulos Decl. ¶¶ 3, 5.

8 KVP has also complied with the requirements set forth in Local Rule 11-5(a) and will  
9 comply with Local Rule 11-5(b). Pursuant to Local Rule 11-5(a), KVP notified Based Plate of its  
10 intent to withdraw upon discharge and notified all other parties who have appeared in the case on  
11 May 7, 2025, immediately after Based Plate confirmed discharge of KVP as counsel. Harris Decl.  
12 ¶¶ 5–6; Stathoulopoulos Decl. ¶ 4. Pursuant to Local Rule 11-5(b), because this motion is not  
13 accompanied by substitution of counsel or an agreement by Based Plate to proceed *pro se*, KVP  
14 agrees to accept all papers in this matter on Based Plate’s behalf unless or until other counsel  
15 appears on Based Plate’s behalf, or upon further order of the Court. *See* Civ. L. R. 11-5(b).

### 16 **III. CONCLUSION**

17 For the foregoing reasons, KVP respectfully requests that the Court grant its motion to  
18 withdraw as counsel for Based Plate.

19  
20 Dated: May 8, 2025

KEKER, VAN NEST & PETERS LLP

21  
22 By: /s/ Cody S. Harris

23 STEVEN P. RAGLAND  
24 CODY S. HARRIS  
JACQUIE P. ANDREANO  
SONJA N. RILEY-SWANBECK

25 Attorneys for Cross-Defendant  
26 BASED PLATE STUDIOS LLC  
27  
28

**[PROPOSED] ORDER**

The Court hereby GRANTS the motion of Kecker, Van Nest & Peters LLP and its attorneys, Steven P. Ragland, Cody S. Harris, Jacquie P. Adreano and Sonja N. Riley-Swanbeck, to withdraw as counsel for Based Plate Studios, LLC.

**IT IS SO ORDERED.**

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HON. VINCE CHHABRIA